

PRIOR PROVISIONS

A prior section 49e, act June 6, 1933, ch. 49, § 6, 48 Stat. 115, related to apportionment of appropriations, and certification to Secretary of the Treasury, prior to repeal by act Sept. 8, 1950, ch. 933, § 3, 64 Stat. 823.

EFFECTIVE DATE

Section effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of section, see section 181(i) of Pub. L. 97-300, which is classified to section 1591(i) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 49d, 49f of this title.

§ 49f. Percentage disposition of allotted funds**(a) Use of 90 percent of funds allotted**

Ninety percent of the sums allotted to each State pursuant to section 49e of this title may be used—

- (1) for job search and placement services to job seekers including counseling, testing, occupational and labor market information, assessment, and referral to employers;
- (2) for appropriate recruitment services and special technical services for employers; and
- (3) for any of the following activities:
 - (A) evaluation of programs;
 - (B) developing linkages between services funded under this chapter and related Federal or State legislation, including the provision of labor exchange services at education sites;
 - (C) providing services for workers who have received notice of permanent layoff or impending layoff, or workers in occupations which are experiencing limited demand due to technological change, impact of imports, or plant closures;
 - (D) developing and providing labor market and occupational information;
 - (E) developing a management information system and compiling and analyzing reports therefrom; and
 - (F) administering the work test for the State unemployment compensation system and providing job finding and placement services for unemployment insurance claimants.

(b) Use of 10 percent of funds allotted

Ten percent of the sums allotted to each State pursuant to section 49e of this title shall be reserved for use in accordance with this subsection by the Governor of each such State to provide—

- (1) performance incentives for public employment service offices and programs, consistent with performance standards established by the Secretary, taking into account direct or indirect placements (including those resulting from self-directed job search or group job search activities assisted by such offices or programs), wages on entered employment, retention, and other appropriate factors;
- (2) services for groups with special needs, carried out pursuant to joint agreements between the employment service and the appropriate private industry council and chief elect-

ed official or officials or other public agencies or private nonprofit organizations; and

- (3) the extra costs of exemplary models for delivering services of the types described in subsection (a) of this section.

(c) Joint funding

(1) Funds made available to States under this section may be used to provide additional funds under an applicable program if—

- (A) such program otherwise meets the requirements of this chapter and the requirements of the applicable program;
- (B) such program serves the same individuals that are served under this chapter;
- (C) such program provides services in a coordinated manner with services provided under this chapter; and
- (D) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

(2) For purposes of this subsection, the term “applicable program” means any program under any of the following provisions of law:

- (A) The Carl D. Perkins Vocational and Applied Technology Education Act [20 U.S.C. 2301 et seq.].
- (B) Section 123 [29 U.S.C. 1533], title II [29 U.S.C. 1601 et seq.], and title III [29 U.S.C. 1651 et seq.] of the Job Training Partnership Act.

(d) Performance of services and activities under contract

In addition to the services and activities otherwise authorized by this chapter, the United States Employment Service or any State agency designated under this chapter may perform such other services and activities as shall be specified in contracts for payment or reimbursement of the costs thereof made with the Secretary of Labor or with any Federal, State, or local public agency, or administrative entity under the Job Training Partnership Act [29 U.S.C. 1501 et seq.], or private nonprofit organization.

(June 6, 1933, ch. 49, § 7, as added Oct. 13, 1982, Pub. L. 97-300, title VI, § 601(c), formerly title V, § 501(c), 96 Stat. 1394; renumbered title VI, § 601(c), Nov. 7, 1988, Pub. L. 100-628, title VII, § 712(a)(1), (2), 102 Stat. 3248; amended Sept. 25, 1990, Pub. L. 101-392, § 5(b), 104 Stat. 759.)

REFERENCES IN TEXT

The Carl D. Perkins Vocational and Applied Technology Education Act, referred to in subsec. (c)(2)(A), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended, which is classified generally to chapter 44 (§ 2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

The Job Training Partnership Act, referred to in subsecs. (c)(2)(B) and (d), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§ 1501 et seq.) of this title. Titles II and III of the Act are classified generally to subchapters II (§ 1601 et seq.) and III (§ 1651 et seq.), respectively, of chapter 19 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

PRIOR PROVISIONS

A prior section 49f, act June 6, 1933, ch. 49, § 7, 48 Stat. 115, related to ascertainment of amounts due to States, and certification to the Secretary of the Treasury,

prior to repeal by act Sept. 8, 1950, ch. 933, §3, 64 Stat. 823.

AMENDMENTS

1990—Subsecs. (c), (d). Pub. L. 101-392 added subsec. (c) and redesignated former subsec. (c) as (d).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-392 effective July 1, 1991, see section 702(a) of Pub. L. 101-392, set out as a note under section 2301 of Title 20, Education.

EFFECTIVE DATE

Section effective Oct. 1, 1983, but with Secretary authorized to use funds appropriated for fiscal 1983 to plan for orderly implementation of section, see section 181(i) of Pub. L. 97-300, which is classified to section 1591(i) of this title.

§ 49g. State plans

(a) Submission to Secretary of Labor

Any State desiring to receive the benefits of this chapter shall, by the agency designated to cooperate with the United States Employment Service, submit to the Secretary of Labor detailed plans for carrying out the provisions of this chapter within such State.

(b) Plan preparation at State and national level

Prior to submission of such plans to the Secretary—

(1) the employment service shall develop jointly with each appropriate private industry council and chief elected official or officials for the service delivery area (designated under the Job Training Partnership Act [29 U.S.C. 1501 et seq.]) those components of such plans applicable to such area;

(2) such plans shall be developed taking into consideration proposals developed jointly by the appropriate private industry council and chief elected official or officials in the service delivery area affected;

(3) such plans shall be transmitted to the State job training coordinating council (established under such Act) which shall certify such plans if it determines (A) that the components of such plans have been jointly agreed to by the employment service and appropriate private industry council and chief elected official or officials; and (B) that such plans are consistent with the Governor's coordination and special services plan under the Job Training Partnership Act [29 U.S.C. 1501 et seq.];

(4) if the State job training coordinating council does not certify that such plans meet the requirements of clauses (A) and (B) of paragraph (3), such plans shall be returned to the employment service for a period of thirty days for it to consider, jointly with the appropriate private industry council and chief elected official or officials, the council's recommendations for modifying such plans; and

(5) if the employment service and the appropriate private industry council and chief elected official or officials fail to reach agreement upon such components of such plans to be submitted finally to the Secretary, such plans submitted by the State agency shall be accompanied by such proposed modifications as may be recommended by any appropriate disagreeing private industry council and chief elected

official or officials affected, and the State job training coordinating council shall transmit to the Secretary its recommendations for resolution thereof.

(c) Review by Governor

The Governor of the State shall be afforded the opportunity to review and transmit to the Secretary proposed modifications of such plans submitted.

(d) Contents of plans

Such plans shall include provision for the promotion and development of employment opportunities for handicapped persons and for job counseling and placement of such persons, and for the designation of at least one person in each State or Federal employment office, whose duties shall include the effectuation of such purposes. In those States where a State board, department, or agency exists which is charged with the administration of State laws for vocational rehabilitation of physically handicapped persons, such plans shall include provision for cooperation between such board, department, or agency and the agency designated to cooperate with the United States Employment Service under this chapter.

(e) Approval by Secretary

If such plans are in conformity with the provisions of this chapter and reasonably appropriate and adequate to carry out its purposes, they shall be approved by the Secretary and due notice of such approval shall be given to the State agency.

(June 6, 1933, ch. 49, §8, 48 Stat. 115; Aug. 3, 1954, ch. 655, §6(b), 68 Stat. 665; Oct. 13, 1982, Pub. L. 97-300, title VI, §601(d), formerly title V, §501(d), 96 Stat. 1395; renumbered title VI, §601(d), Nov. 7, 1988, Pub. L. 100-628, title VII, §712(a)(1), (2), 102 Stat. 3248.)

REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsec. (b)(1), (3), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

AMENDMENTS

1982—Pub. L. 97-300, §601(d)(1), substituted "Secretary of Labor" for "Director" wherever appearing.

Subsec. (a). Pub. L. 97-300, §601(d)(2), designated provisions relating to the submission of a plan to the Secretary by any State desiring to receive benefits under certain sections of this chapter as subsec. (a).

Subsecs. (b), (c). Pub. L. 97-300, §601(d)(5), added subsecs. (b) and (c).

Subsec. (d). Pub. L. 97-300, §601(d)(3), designated provisions relating to the inclusion in State plans of provision for handicapped persons employment opportunities and coordination with State agencies similarly concerned as subsec. (d).

Subsec. (e). Pub. L. 97-300, §601(d)(4), designated provisions relating to approval and notice by the Secretary of the State plans as subsec. (e).

1954—Act Aug. 3, 1954, inserted provisions relating to promotion and development of employment opportunities and for job counseling and placement of handicapped persons.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-300 effective Oct. 1, 1983, but with Secretary authorized to use funds appro-